

REMARKS/ARGUMENTS

The amendment filed on February 16, 2007, was not entered because the Examiner believes that the amended claims comprise two different inventions which are further different from the originally elected invention. Applicants filed a petition under 37 C.F.R. 1.181 to invoke supervisory authority to enter the amendment.

Upon entry of the supplemental amendment, Claims 1-20 will be active.

Claims 1-10 have been amended.

Claims 11-20 have been added.

Claims 2-5 are withdrawn.

The amendment to Claim 1 is supported by this claim as originally filed and by specification page 5, line 10 – page 6, line 12. The amendments to Claims 2 and 5 are supported by original Claim 1. New Claims 11-17 are supported by the paragraph bridging pages 5 and 6 of the specification.¹ New Claims 18 and 19 are supported by specification page 1, lines 9-10. New Claim 20 is supported by specification page 4, lines 6-10. No new matter has been entered.

The claims have been amended such that every claim requires the presence of elected polymer (i). As such, no claim stands withdrawn as a result of the species election. Proper claim indicators have been included in the list of claims. The term “blend” has been replaced by the term “composition,” as suggested by the Examiner.

The above amendment to the claims setting forth a preferred composition comprising polymer (i) and at least mineral filler, antioxidant, peroxide vulcanization coadjuvant and EPR crosslinking peroxide is patentably distinct from the inventor’s other work cited against

¹ For Claim 16 the full chemical description of Anox HB, mentioned at specification page 6, line 2, has been used. See, e.g., col. 8, line 47 of U.S. 6,538,056, attached, for a description of this material.

the claims. In particular, the application corresponding to U.S. 2005/0239666 relates to a process to modify the rheology of EP(D)M polymers in the presence of one or more polyfunctional vinyl monomers, and nowhere suggests the particular composition as claimed herein in e.g., amended Claim 1. In this regard, the reference relates to the control of the level of branching of the polymer material by use of an unsaturated polyfunctional monomer. See paragraph [0010] therein. This same reference is cited as anticipatory of the present claims at the top of page 5 of the Official Action, but this reference does not qualify as prior art herein. That is, the inventor of U.S. 2005/0239666 is identical with the present application, and the underlying patent application was filed after the present application. Thus, the reference does not qualify as prior art under 35 U.S. 102(e). Moreover, and as explained above, there are substantial differences between the disclosure therein and the presently claimed composition.

U.S. 2005/0148724 relates to elastomeric blends based on carbon black, and nowhere discloses or suggests the particular composition as described above in amended Claim 1. As a review of both the specification and published claims will show, the reference requires, in all instances, the presence of a significant amount of carbon black.

U.S. 2005/0113518 relates to the preparation of functionalized polyolefins grafted with an unsaturated monomer containing polar groups. See, e.g., the Abstract of the reference and paragraph [0001] thereof. Nothing in the publication discloses or suggests the particular composition as now claimed in amended Claim 1 herein.

Finally, U.S. 6,211,332 relates only to the reduction of molecular weight of EPM copolymer and EPDM terpolymer materials by treatment with hydroperoxide and nowhere discloses or suggests the particular composition as claimed herein requiring the presence of, e.g., mineral filler, antioxidants, peroxide vulcanization coadjuvant and EPR crosslinking peroxide. The reference is silent as to these components and the presently claimed amounts

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thereof, and for this reason this reference does not anticipate the pending claims as now amended.

Accordingly, and in view of the above amendments and remarks, and the patentable distinctions between the cited prior art and the pending claims, Applicants respectfully submit that this case is in condition for allowance, and early notification to this effect is respectfully requested.

Respectfully submitted,


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